

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

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UNITED STATES OF AMERICA, \* CR. 09-40072

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Plaintiff, \*

\*

\*

vs. \*

REPORT AND RECOMMENDATION  
ON DEFENDANT'S CHANGE  
OF PLEA

LARRY LOGAN,

a/k/a Art Riggs, a/k/a "S\_Dakota\_Guy," \*

\*

Defendant. \*

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\* \* \* \* \*

This matter came before the court for a change of plea hearing on Thursday, October 15, 2009. The Defendant, Larry Logan, appeared in person and by his counsel, Ken Tschetter, while the United States appeared by its Assistant United States Attorney, Jeff Clapper.

The defendant consented in open court to the change of plea before a United States magistrate judge. This court finds that the defendant's consent was voluntary and upon the advice of counsel. The government also consented to the plea hearing before a magistrate judge. Further, the parties waived their right to object to the report and recommendation.

Defendant has reached a plea agreement with the government where he intends to plead guilty to Count 1 of the Indictment which charges him with Distribution of Child Pornography in violation of 18 U.S.C. § 2252A(a)(2)(A). At the hearing, the defendant was advised of the nature of the charges to which the defendant would plead guilty and the maximum penalties applicable, specifically: minimum 5 years imprisonment; maximum 20 years imprisonment; a \$250,000 fine; or both; minimum 5 years supervised release up to a life term of supervised release; if supervised

release is revoked a minimum 5 years prison for certain new felony violations or 2 additional years imprisonment for other violations of supervised release; a \$100 special assessment; and restitution. Further, Defendant has agreed to the forfeiture of certain items.

Upon questioning the defendant personally in open court, it is the finding of the court that the defendant is fully competent and capable of entering an informed plea, that the defendant is aware of the nature of the charges and the consequences of the plea, and that his plea of guilty to Count 1 of the Indictment is a knowing and voluntary plea supported by an independent basis in fact containing each of the essential elements of the offense. The defendant's guilty plea to the Indictment is accepted. It is my report and recommendation that the defendant be adjudged guilty of that offense.

Dated this 15<sup>th</sup> day of October, 2009.

BY THE COURT:

s/John E. Simko

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John E. Simko  
United States Magistrate Judge